

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Twanna Ann Foster,)
)
)
Plaintiff,) Civil Action No. 5:11-441-MGL
)
)
vs.)
)
)
Michael J. Astrue,)
Commissioner of the Social Security)
Administration)
)
)
Defendant.)

OPINION AND ORDER

This matter is before the court for review of the Report and Recommendation of United States Magistrate Judge Kaymani D. West made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02 for the District of South Carolina. Twanna Ann Foster (“Foster”) brought an action seeking judicial review of a final decision of the Commissioner of Social Security (“the Commissioner”) denying her claim for Disability Insurance Benefits (“DIB”) and Supplemental Security Income (“SSI”). In her Report and Recommendation, Magistrate Judge West recommends reversing the Commissioner’s decision and remanding the case for further administrative action as outlined in the Report. No objections have been filed to the Report and Recommendation and the time for doing so has passed.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261, 96 S.Ct. 549, 46 L.Ed.2d 483 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the

Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). The court reviews only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir.2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’ ”) (quoting Fed.R.Civ.P. 72 advisory committee’s note).

The court has reviewed the record, the applicable law, and the findings and recommendations of the Magistrate Judge for clear error. Finding none, the court adopts and incorporates the Report by reference. For the reasons articulated by the Magistrate Judge, it is hereby ORDERED that the Magistrate Judge’s Report is ACCEPTED and the Commissioner’s decision is REVERSED pursuant to sentence four of 42 U.S.C. § 405(g) and the case is REMANDED to the Commissioner for further administrative action consistent with the Report.

IT IS SO ORDERED.

/s/ Mary G. Lewis
United States District Judge

Spartanburg, South Carolina
August 3, 2012.